

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NOVO NORDISK INC.

Plaintiff,

v.

DUNKLAU PHARMACY HOLDINGS, LLC,
D/B/A MIDTOWN EXPRESS PHARMACY;
DR. HANK, LLC, D/B/A 247 HEALTH

Defendants.

Case No. 3:24-cv-00667
Chief Judge William Campbell
Magistrate Judge Jeffery S. Frensley

**FINAL JUDGMENT AND PERMANENT INJUNCTION
ON CONSENT**

This matter having come before the Court on the joint request of the parties for entry of this Final Judgment and Permanent Injunction on Consent (this “Final Judgment”); and

It appearing that plaintiff Novo Nordisk Inc. (“Novo Nordisk”) filed its Complaint in this action on May 30, 2024, and that defendant Dr. Hank, LLC d/b/a 247 Health (“Dr. Hank”) was served with the Complaint on that same day; and

It further appearing that the parties have agreed to settle and resolve this matter without any further formal proceedings herein, and, as indicated by the signatures below, have consented to the entry of this Final Judgment in connection with such resolution of this action; and

The Court finding good cause therefor;

NOW, THEREFORE, by stipulation and agreement of the parties, and with the express consent of counsel for plaintiff and counsel for defendant, as indicated below, and for good cause shown,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. § 1338(a), and has jurisdiction over defendant Dr. Hank. Venue in this Court is proper pursuant to 28 U.S.C. § 1391.

2. Plaintiff Novo Nordisk's Complaint states causes of action against defendant Dr. Hank for false advertising and unfair competition in violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), and Tenn. Code § 47-18-101, *et seq.*

3. Plaintiff Novo Nordisk's OZEMPIC, WEGOVY, and RYBELSUS medicines are the only pharmaceutical products containing semaglutide that have been approved by the U.S. Food & Drug Administration (the "FDA").

4. Defendant Dr. Hank has offered compounded drug products purporting to contain semaglutide, that have not been approved by the FDA, and that are not genuine Novo Nordisk FDA-approved products ("Unapproved Compounded Semaglutide Drugs").

5. Defendant Dr. Hank, its officers, directors, shareholders, owners, agents, servants, employees, and attorneys, and all those in active concert or participation with them, are hereby PERMANENTLY ENJOINED from marketing or selling Unapproved Compounded Semaglutide Drugs. Notwithstanding this paragraph, in the event that Defendant believes it is able to market or sell Unapproved Compounded Semaglutide Drugs in compliance with all applicable laws, Defendant shall notify Novo Nordisk, who shall engage in good-faith discussions surrounding such sales and marketing; The parties having agreed to a settlement agreement that resolves Novo Nordisk's claims against Dr. Hank, LLC. No award is included in this Final Judgment.

6. Judgment is hereby entered in favor of plaintiff Novo Nordisk as set forth above. All claims asserted against Dr. Hank, LLC in this action are hereby dismissed without prejudice,

except that this Court shall retain jurisdiction for the purpose of enforcing the parties' settlement agreement, this Final Judgment, and as otherwise provided herein. This agreement shall have no effect on Novo Nordisk's claims against Dunklau Pharmacy Holdings, LLC, d/b/a Midtown Express Pharmacy.

7. This Final Judgment shall be deemed to have been served on defendant Dr. Hank, its officers, directors, shareholders, owners, agents, servants, employees, and attorneys, and all those in active concert or participation with them as of the date of entry hereof by the Court.

SO ORDERED, this 13th day of August, 2024.

A handwritten signature in black ink, reading "William L. Campbell, Jr.", written over a horizontal line.

WILLIAM L. CAMPBELL, JR.
CHIEF UNITED STATES DISTRICT JUDGE

CONSENTED TO:

/s/ Steven A. Riley

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